

## **REG-48-008 SETTING THE EXCISE TAX RATE**

008.01 At the meeting set out in Reg-48-003.02, the rate of excise tax for a given July 1 through June 30 period shall be in addition to and independent of the rate or rates of excise tax set pursuant to Reg-48-003.03 for such period.

008.02 The Department of Roads, with assistance from the Department of Revenue, shall prepare and provide the necessary information to each member of the State Board at least five days before each meeting. Such information shall include, but not be limited to, the unobligated balance in the Highway Cash Fund anticipated on the subsequent June 30, monthly estimates of anticipated receipts to the Highway Cash Fund for the subsequent fiscal year, and the appropriations made from the Highway Cash Fund for the subsequent fiscal year.

008.03 The Board shall determine the cash and investment balances of the Highway Cash Fund at the beginning of each fiscal year under consideration and the estimated receipts to the Highway Cash Fund from each source which provides at least one million dollars annually to such fund. The Board shall then fix the rate of excise tax in an amount sufficient to meet the appropriations made from the Highway Cash Fund by the Legislature. Such rate shall be set in increments of one-tenth of one percent.

008.04 At the meeting set out in Reg-48-003.03, the Board shall set the rate of the excise tax imposed by sections 66-4,140 and 66-605.02 for each year during which such bonds are outstanding to provide in each such year money equal in amount to not less than one hundred twenty-five percent of such year's bond principal and interest payment requirements. Such rate shall be in addition to the rate of excise tax set pursuant to Reg-48-003.02.

008.05 Each such rate shall be effective from July 1 of a stated year through June 30 of the succeeding year or during such other period not longer than one year as the Board determines to be consistent with the principal and interest requirements of such bonds.

008.05A Such excise tax rates set pursuant to Reg 48-008.04 may be increased, but such excise tax rates shall not be subject to reduction or elimination unless the Board has received from the Nebraska Highway Bond Commission notice of reduced principal and interest requirements for such bonds, in which event the Governor may call a meeting of the Board to determine whether the rate or rates shall be changed.

008.05B The new rate or rates, if any, set by the Board shall become effective on the first day of the following calendar quarter.

(Section 66-4,144, R.S.Supp., 1992. January 24, 1992.)